

ORDINANCE NO. 5784

AN ORDINANCE AMENDING SECTION 11-3-2, OFFICIAL ZONING DISTRICT MAP AND DISTRICT BOUNDARIES, OF THE MESA CITY CODE, CHANGING THE ZONING OF CERTAIN PROPERTY DESCRIBED IN ZONING CASE ZON22-01097 WITHIN THE 4100 BLOCK OF EAST MAIN STREET. LOCATED EAST OF VAL VISTA DRIVE ON THE NORTH SIDE OF MAIN STREET. (4± ACRES). REZONE FROM LIMITED COMMERCIAL (LC) TO MULTIPLE RESIDENT-4 WITH A PLANNED AREA DEVELOPMENT OVERLAY (RM-4-PAD) AND SITE PLAN REVIEW AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: That Section 11-3-2, Official Zoning Map and District Boundaries, of the Mesa Zoning Ordinance is hereby amended by adopting the Official Supplementary Zoning Map for Zoning Case ZON22-01097 signed by the Mayor and City Clerk, which accompanies and is annexed to this ordinance and declared a part hereof.

Section 2: The Official Supplementary Zoning Map attached hereto is adopted subject to compliance with the following conditions:

1. Compliance with the final site plan submitted.
2. Dedicate the right-of-way and easements required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
3. Compliance with all City development codes and regulations, except the modifications to the development standards as approved with this PAD and shown in the following table:

Development Standard	Approved
<u>Minimum Yards –</u> <i>MZO Section 11-5-5(A)</i> - Front and Street Facing Side (6-lane, Arterial Steet – E. Main Street) - Interior Sides and Rear (3 or more units on lot)	14 feet, 9 1/2 inches Multiple Story: 5 feet per story (15 feet total)
<u>Required Landscape Yards</u> – <i>MZO Section 11-5-5(A)</i> - Front and Street Facing Side (6-lane Arterial Steet – Main Street)	14 feet, 9 1/2-inches
<u>Minimum Separation Between Buildings on Same Lot – MZO Section 11-5-5(A)</u> - Two-Story - Three-Story	13 feet, 8 1/4-inches 13 feet, 8 1/4-inches
<u>Additional Standards for Private Open Space – MZO Section 11-5-5(A)(3)(e)</u> - Dimensions, ground level	Two-Story Buildings: No dimension less

- Area and Dimensions, above-ground	<p>than 15 feet, 1 inch wide by 9 feet, 2 inches deep</p> <p>Three-Story Buildings: No dimension less than 4 feet, 9 inches wide by 6 feet, 7 inches deep</p> <p>Three-Story Buildings: Minimum 53 square feet and shall not be less than 7 feet, 7 1/2-inches wide or less than 6 feet, 11 1/2-inches deep (applies only to the 2nd and 3rd floor balconies)</p>
<p><u>Interior Parking Lot Landscaping – MZO Section 11-33-4(B)</u></p> <p>- Landscape Islands</p>	<p>Parking lot landscape islands are not required to be installed at each end of a row of stalls for parking spaces located in between buildings.</p> <p>Landscape islands shall be a minimum of 8 feet wide and 2 feet in length for single row (applies only to the first set of parking stalls located on the east and west sides of the property as shown on the site plan)</p>
<p><u>Foundation Base Width – MZO Section 11-33-5</u></p> <p>- Exterior walls without a public entrance (adjacent to parking stalls)</p> <p>- Exterior walls adjacent to drive aisles</p>	<p>0 feet wide for the walls adjacent to parking stalls located in between buildings</p> <p>Minimum 4 feet wide</p>

Section 3: PENALTY.

CIVIL PENALTIES:

- A. Any owner, occupant or responsible party who is found responsible for a civil violation of this Ordinance, whether by admission, default, or after a hearing, shall pay a civil sanction of not less than \$150 or more than \$1,500, per citation. A second finding of responsibility within 24 months of the commission of a prior violation of this Ordinance shall result in a civil sanction of not less than \$250 or more than \$2,500. A third finding of responsibility within 36 months of the commission of a prior violation of this Ordinance shall result in a civil sanction of not less than \$500 or more than \$2,500. In addition to the civil sanction, the responsible party shall pay the applicable fees and charges set forth in the City's Development and Sustainability Department (Code Compliance) Schedule of Fees and Charges, and may be ordered to pay any other applicable fees and charges.
- B. The 36-month provision described above of this Section shall be calculated by the dates the violations were committed. The owner, occupant, or responsible party shall receive the enhanced sanction upon a finding of responsibility for any violation of this Chapter that was committed within 36 months of the commission of another violation for which the owner or responsible party was

convicted or was otherwise found responsible, irrespective of the order in which the violations occurred or whether the prior violation was civil or criminal.

- C. Each day in which a violation of this Ordinance continues, or the failure to perform any act or duty required by this Ordinance or by the Civil Hearing Officer continues, shall constitute a separate civil offense.

HABITUAL OFFENDER:

- A. A person who commits a violation of this Ordinance after previously having been found responsible for committing three (3) or more civil violations of this Ordinance within a twenty-four (24) month period – whether by admission, by payment of the fine, by default, or by judgment after hearing – shall be guilty of a class 1 criminal misdemeanor. The Mesa City Prosecutor is authorized to file a class 1 criminal misdemeanor complaint in the Mesa City Court against habitual offenders. For purposes of calculating the twenty-four (24) month period under this Subsection, the dates of the commission of the offenses are the determining factor.
- B. Upon conviction of a violation of this Section, the Court may impose a sentence of incarceration not to exceed six (6) months in jail; or a fine not to exceed two thousand five hundred dollars (\$2,500.00), exclusive of penalty assessments prescribed by law; or both such fine and imprisonment. The Court shall order a person who has been convicted of a violation of this Section to pay a fine of not less than five hundred dollars (\$500.00) for each count upon which a conviction has been obtained. A judge shall not grant probation to or suspend any part or all of the imposition or execution of a sentence required by this Subsection except on the condition that the person pay the mandatory minimum fines as provided in this paragraph.
- C. Every action or proceeding under this Section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to criminal misdemeanors and the Arizona Rules of Criminal Procedure.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 5th day of June 2023.

APPROVED:

Mayor

ATTEST:

City Clerk